

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKBRAINTREE LABORATORIES, INC.,
Plaintiff,

-v-

CYPRESS PHARMACEUTICAL, INC.,
Defendant.

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12 Civ. 6851 (AJN)

ORDER

X

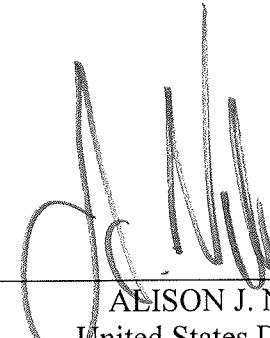
ALISON J. NATHAN, District Judge:

The Court has noted that the Federal Circuit has calendared oral argument in *Braintree Laboratories, Inc. v. Novel Laboratories*, Inc., No. 13-1348, a decision that will at least inform the Court's decision in this case and may be dispositive, for February 2, 2014. Having reviewed the parties' summary judgment papers, and in the interest of conserving resources and finality, the Court proposes that the pending summary judgment motion be administratively denied without prejudice to refile this motion, with supplemental briefing, after the Federal Circuit decides *Braintree Laboratories v. Novel Laboratories*.

The Court directs that, no later than January 16, 2014, the parties shall submit a joint letter, no longer than three pages, stating whether they consent to this proposal or, if not, their respective positions as to the appropriate schedule going forward.

SO ORDERED.

Dated: January 16, 2014
 New York, New York



ALISON J. NATHAN
 United States District Judge